



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-94,622-01

EX PARTE RICHARD ELMO COON, Applicant

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS
CAUSE NO. 17CR20005A IN THE 123RD DISTRICT COURT
FROM SHELBY COUNTY**

Per curiam.

ORDER

Applicant was convicted of failure to comply with registration requirements and sentenced to 6 years. Applicant filed this application for a writ of habeas corpus in the county of conviction, and the district clerk forwarded it to this Court. *See* TEX. CODE CRIM. PROC. art. 11.07.

Applicant contends that he was arrested on a parole warrant on Jan. 12, 2023, and he still has not received a revocation hearing. *Ex parte Cordova*, 235 S.W.3d 735, 736 (Tex. Crim. App. 2007); *see also Morrissey v. Brewer*, 408 U.S. 471, 485 (1972) (discussed in *Ex parte Taylor*, 957 S.W.2d 43 (Tex. Crim. App. 1997)). He asserts that he has not received a hearing within a reasonable time. Due process requires that a parolee receive a preliminary revocation hearing within a reasonable time after his arrest to determine whether reasonable grounds show that he violated the conditions of his

parole. *Cordova*, 235 S.W.3d at 736.

Accordingly, the record should be developed. The trial court is the appropriate forum for findings of fact. TEX. CODE CRIM. PROC. art. 11.07, § 3(d). The trial court shall order the Board of Pardons and Paroles's Office of the General Counsel to obtain a response from a person with knowledge of relevant facts. In developing the record, the trial court may use any means set out in Article 11.07, § 3(d). It appears that Applicant is represented by counsel. If the trial court elects to hold a hearing, it shall determine whether Applicant is indigent. If Applicant is indigent and wants to be represented by counsel, the trial court shall appoint counsel to represent him at the hearing. *See* TEX. CODE CRIM. PROC. art. 26.04. If counsel is appointed or retained, the trial court shall immediately notify this Court of counsel's name.

The trial court shall state whether Applicant has received a preliminary hearing within a reasonable time. The trial court may make any other findings and conclusions that it deems appropriate in response to Applicant's allegations.

The trial court shall make findings of fact and conclusions of law within ninety days from the date of this order. The district clerk shall then immediately forward to this Court the trial court's findings and conclusions and the record developed on remand, including, among other things, affidavits, motions, objections, proposed findings and conclusions, orders, and transcripts from hearings and depositions. *See* TEX. R. APP. P. 73.4(b)(4). Any extensions of time must be requested by the trial court and obtained from this Court.

Filed: April 12, 2023
Do not publish